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C O N F I D E N T I A L SECTION 01 OF 02 ASHGABAT 000591

SIPDIS

STATE FOR SCA/CEN, DRL

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TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [TX](#)

SUBJECT: TURKMENISTAN: GOVERNMENT FOCUSING ENERGIES ON  
REVISING THE CONSTITUTION

REF: A. ASHGABAT 0115

[1](#)B. ASHGABAT 0587

Classified By: CHARGE SYLVIA REED CURRAN FOR REASONS 1.4 (B) AND (D).

[1](#)1. (C) SUMMARY: A meeting with a Turkmen constitutional expert provided post with some insight into the process of constitutional reform that is now underway. All other legislative reform work has been halted and appropriate human resources are being focused on developing proposals that will address the primary issues of ministries, agencies and local governments. A working group in the parliament is tasked with consolidating and reviewing all incoming proposals and will be comparing them against a basic constitutional framework that was recently constructed. The framework the parliament has developed may soon be unveiled to the public, and a conference and roundtable are to follow. The government seems to have its priorities straight, although it still seems awkward in its still-fledgling efforts to solicit public opinion. END SUMMARY.

[1](#)2. (C) On May 6, PolOff met with law professor and former Fulbright scholar Murad Haitov (please protect) to talk about his involvement in the constitutional reform that has just gotten underway. Haitov described himself as the only constitutional and parliamentary law expert in Turkmenistan, due to his academic work on parliamentary and election issues and his international parliamentary program experience. He said that early in the spring, he was asked to review and evaluate the constitutions of countries from all over the world, including the United States and former Soviet states.

[1](#)3. (C) Haitov had participated in the parliamentary working group that revised Turkmenistan's labor code, which was finished in DeceQ 2007 (Ref. A). When the parliament began to review it in January, however, parliament officials discovered that there were several articles that directly contradicted the current constitution. They realized that they could not proceed further on legislative reform until Turkmenistan's constitution was thoroughly revised. (NOTE: The 1992 constitution was altered four times, with the most problematic amendments -- including lifetime presidency and an increased role for the People's Council -- added in 2003. END NOTE.) All legislative reform work has been halted until a revised constitution is in hand.

¶4. (C) To begin this new task, Haitov reviewed sixty-three constitutions, then chose 40 of the best models for more careful analysis. Parliament Chairperson Akja Nurberdiyeva asked him to use his assessment to construct a foundational "concept" framework for the parliament deputies' use as a kind of road map for key reforms that will need to be addressed during the revision process. Haitov said it was likely that in the next week or two, the state-run newspaper, "Neytralniy Turkmenistan," will publish a major article that will outline the fundamental concepts that will frame the new constitution. Major changes will focus on the role of democracy, promotion of the rule of law, and enhancing the capacity of local self government. Interestingly, Haitov thought it all but certain that the oversized and ineffective Peoples' Council would be dissolved or converted to a public organization, once it adopted the new constitution in September. The parliament's power and size, conversely, will likely grow.

¶5. (C) Although the state-controlled press provided standard information about the presidential constitutional commission, which is the final approving authority for the new constitution, there are many more people working on this issue than is apparent. Haitov said there are four other types of working groups working on proposals that will be sent to the parliament. Haitov himself is part of the parliament working group, which will do the real work in gathering and evaluating proposals coming from elsewhere, but will also have proposals of its own. The group will be

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comparing incoming proposals with the concept framework that Haitov has established. Members of this working group include parliament deputies and legal and academic experts.

¶6. (C) Every government ministry has also established a working group, which will prepare proposals essential to its own needs and priorities. The Justice Ministry, Prosecutor General's Office, the Supreme Court, the Institute for Democracy and Human Rights (IDHR) and the Institute for State and Law formed a working group that is tasked with developing proposals that address democracy, judicial, human rights and other legal protection issues. There are also working groups in every province and in Ashgabat city, preparing proposals that address their needs.

¶7. (C) As part of the government's effort to mark the eighteenth anniversary of the country's constitution, Haitov said the parliament accepted his suggestion and will host a constitutional conference. The diplomatic corps and international organization representatives will be invited, and Nurberdiyeva, IDHR Director Akhmedova, and Haitov will be among those making presentations. Turkmen television will also be airing discussions on the reforms under consideration. Also planned for the near term is a roundtable session of Turkmen and possibly foreign experts who will discuss the conceptual framework that Haitov developed.

¶8. (C) COMMENT: At this point, the government appears to be focused exclusively on rewriting the constitution, much needed given the overhaul that national legislation is getting. With the disappearance of the People's Council -- a massively expensive, largely rubber-stamp body with more than 2000 members -- the parliament may soon start to behave more like similar bodies elsewhere in the world. Aside from an institutional hesitation to involve and inform the public more regarding the constitution's revision, the parliament seems to be on the right course to correct the mistakes -- and mistaken revisions -- of the past. END COMMENT.  
CURRAN